

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, September 14, 2021)

301 KAR 1:120. Live fish sales and handling; licensure.

RELATES TO: KRS ~~[150.025,]~~ 150.175, ~~[150.180,]~~ 150.190, 150.235, 150.485

STATUTORY AUTHORITY: KRS ~~[13A.350,]~~ 150.025(1), 150.180(6)

NECESSITY, FUNCTION, AND CONFORMITY: 150.025(1) authorizes the department to promulgate administrative regulations to regulate buying, selling, or transporting of game and fish. KRS 150.180(6) requires any person importing or transporting live fish into or within the state to first procure a fish transportation permit. This administrative regulation ***is being promulgated*** ~~[is necessary in order]~~ to control the flow of live fish from and into natural waters and commercial channels to prevent the spread of disease or undesirable species. [This amendment is necessary to eliminate unnecessary and confusing wording.]

Section 1. All individuals or companies who sell live fish retail or wholesale ***shall*** ~~[must]~~ have a live fish and bait dealers license issued in the name of the individual or company that is transacting business in this commonwealth. This license, or an exact copy thereof, ***shall*** ~~[must]~~ be in the possession of the individual~~[persons]~~ who is~~[are]~~ transporting, selling, or possessing live fish for sale in Kentucky.

Section 2. ~~[Those]~~ Individuals or companies transporting live fish from one (1) state to another state through Kentucky without conducting any type of business in this commonwealth ***shall not be*** ~~[are not]~~ required to have a live fish and bait dealers license, but ***shall*** ~~[must]~~ have a valid transportation permit.

Section 3. Valid holders of commercial propagation permits and ~~[those]~~ individuals or companies who sell fish for food in establishments licensed by another state agency to sell retail or wholesale food stuffs ***shall not be*** ~~[are not]~~ required to have a live fish and bait dealers license.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.